IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 7653 of 1995

Between:

1 The Chief Engineer (Projects)
Srisailam Project, Hyderabad.
2 The Executive Engineer Division No.2,
SRBC Nandyal

..... PETITIONER(S)

AND

1 Shaik Rahamat Bee C/o.Azeemuddin
B/147,SRBC Colony, Nandyal
Kurnool District.
2 The Presiding Officer, Industrial Tribunal-cum-Labour Court,
Anantapur

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records pertaining to I.D. No.110/92, dated 7-9-1994 on the file of the 2nd respondent and quash the same as illegal, arbitrary.

Counsel for the Petitioners : G.P FOR IRRIGATION & COMM AREA DEV.

For the Respondent No.1:Mr.Raghuvender Reddy, Advocte

For the Respondent No.2: GP FOR LABOUR

The Court made the following :

O R D E R:

The writ petition is filed challenging the award passed by the Labour Court, Ananthapur in I.D.No.110 of 1992, dated 7-9-1994.

2. The 1st petitioner is the Chief Engineer, Srisailam Project. The services of the 1st respondent were terminated on the ground of violation of Section 25-F of the Industrial Dispute Act, 1947 (for short 'The Act'). Therefore, she raised a dispute under Section 2-A (2) of the Act.

3. The learned Tribunal, after considering the evidence on record, came to the conclusion that the termination was effected consequent on the interpretation of Section 25-F of the Act and accordingly passed an award on 7-9-1994, directing the respondents to reinstate the petitioner into service as Sweeper with continuity of service with full back wages from 10-3-1992. The said award came to be challenged before this Court.

4. The learned Government Pleader appearing for the petitioners submits that the award of the Tribunal is not sustainable, inasmuch as the 1st respondent was only a daily wage worker and therefore, the provisions of the Act cannot be made applicable to her. This contention is absolutely misconceived. The Tribunal categorically found that there is a violation of Section 25-F of the Act and therefore, there is nothing to interfere with the award of the Tribunal. However, the learned Government Pleader submits that with regard to the calculation, the first respondent has claimed excess amount than what she is entitled to.

5. I do not find any merits in this writ petition. Accordingly, the writ petition is dismissed. However, it does not preclude the management from working out correct

wages, in accordance with the Rules for the period directed to be paid by the Tribunal in the award dated 7-9-1994. The workman shall furnish the statement, regarding the back wages to be received by her from the date of service, in pursuance of the orders of this Court, within a period of two months from the date of receipt of a copy of this order. After furnishing such statement the management shall pass appropriate orders giving the liberty to the first respondent, duly calculating the wages in accordance with the Rules. There shall be no order as to costs.

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G. BIKSHAPATHY, J

Dated 4th November, 2004.

Mrb/Bcj

SSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Presiding Officer, Industrial Tribunal-cum-Labour Court, Anantapur

2. Two CCs to G.P for Labour, High Court Buildings, Hyderabad

(OUT).

3. Two CCs to G.P for Irrigation, High Court Buildings,

Hyderabad (OUT).

4. Two CD copies